Quid Novi

McGill University Faculty of Law
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In This Issue...

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Envoyez vos commentaires ou articles avant jeudi 5 p.m. à:

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Editor's Note...

Un vieux Mac hypocondriaque
(Gros engin démoniaque);
Le temps qui tic-tac,
2 maniaques travaillaient, insom
niaques.

Son complice, PageMaker,
(Un belliquex capricieux):
Encore loin d'un cessez-le-feu,
Nous rendait les 2 malheureux.

Quel horrible spectacle...
Tant de terribles obstacles!
Il fallait un miracle
Pour nous sortir de cette débâcl

Ce fût une chance soudaine:
Quark et un PC. Hallucinogène!
Une source de joie quitodienne,
Amen.

Ne soyez pas timides
Mais intrépides:
Dites-nous que le Quid
Est tout simplement splendide!

Rosalie-Anne!

Why McGill Law Needs Minor Threat and Fugazi (But Not At The Same Time)

by David Perri (Law I)

I'd like to thank Jerome Lussier for taking a courageous stance and speaking out about bilingualism at this institution in last week's Quid. I've been meaning to write an article about this very topic myself but, honestly, have been slightly afraid to. I'm concerned that the admissions department might realize I exaggerated just a little bit when I told them I was "fluently bilingual" back during the application process. While I'm a full-fledged supporter of official bilingualism in Canada as a whole, I'm also of the opinion that the translinguistic nature of this law faculty takes away from its effectiveness. Disclaimer: I am in no way, shape or form implying that French instruction should not be offered here. Instead, I'm putting forth the notion that it would be better for McGill Law as a whole if French and English legal study were taught completely separately, rather than in the current integrated way.

Before I continue on, I want to share a quick personal anecdote to show you that this issue actually affects me in a deep-seeded way in multiple contexts. Last Sunday afternoon I was walking on St. Catherine E., checking out my favourite record stores. When I went in to one particular establishment, I was delighted to stumble across two items I had been trying to find for an inordinately long time. The treasures in question were the first two Minor Threat EPs on vinyl, and when I went to pay for the records my conversation with the cashier went something like this:

David: I can't believe I found this Minor Threat shit, dude!

Cashier guy: Ian MacKaye rules, but I only like his work in Fugazi. As a matter of fact, I just found three Fugazi 7"s on purple vinyl last week!

David: Rad score, man! Were they the original issue, hand-numbered, limited-edition print runs on Dischord Records? I think Ian's a visionary but I can't get amped on Fugazi. He was only cool in Minor Threat.

Aside from going into record geek mode with my question, and adjusting my vernacular to sound somewhat normal in the store, something else becomes exceedingly apparent in that little dialogue: both of us think Ian MacKaye was the epitome of the '80s D.C. Hardcore scene, but each of us can only appreciate different facets of his career. And that's kind of how I see McGill Law.

Francophone or anglophone, each and every one of us here wants — at least in some way — to learn about and appreciate the law. Evidently, our first language will probably dictate which way that perception occurs. I'm from Montreal, but I'm an anglophone. Therefore, it was a simple choice when I decided on my language of instruction. The thought of taking a French course or two did appeal to me on the "I'm going to challenge myself" level, but that quickly subsided when I realized how much new legal terminology and jargon I would be facing. As such, I'd really like to commend the francophone students who take English classes, and the anglo students who learn in French. It's something I am probably not capable of doing.

That being said, there are several very tangible faults in McGill's bilingual system. While this bilingualism is a noble ideal that ultimately can represent the solidarity of Canada's two official languages on a microcosmic level, as Mr. Lussier pointed out, things are problematic in practice. Let's start at the very beginning, with the recruitment process.

I did my undergrad in Ontario, and knew a lot of students who wanted to get into law school. When they asked where I was applying, their faces always twisted quizzically when I mentioned McGill. "Why deal with all that required bilingualism," these unilingual Ontarians and Americans asked. "It's such a hassle," they concluded. Essentially, very capable and competent potential McGill students didn't even apply to this institution because of the bilingual factor. While you can chock up their behaviour to ignorance or prejudice of a sort, the majority of those I spoke to wouldn't mind being part of the school if French and English instruction and communication were completely separated rather than integrated. A letter bearing English on one side and French on the other, as Mr. Lussier suggested (rather than an integrated francais/English one), probably would have alleviated these students' concern.

Next, readings in class. When I'm assigned French reading, my tendency is to skip it. While I regularly read through Canadian Constitutional Law or Learning Canadian Criminal Law, Les Obligations is but a distant memory that reminds me of the first week of school while buying books. The same situation applies to French cases. While Crocker v. Sundance Northwest Resorts was a hilarious read (Crocker was a moron), I still don't know what Gaudet c. Lagace is about. A similar situation creeps up in Legal Methodology. Weekly research assignments usually feature two questions in English and two in French. While any frustration I feel while attempting to answer a French question with an English legal database seems irrelevant or merely a petty annoyance, there's a larger principle at stake: I'm probably not learning to the best of my abilities in this dual perception mode. In a sense, I feel bad for any one who had to read a relatively long French case for their English canned memo assignment back in October. Is true legal learning really happening if a unilingual British Columbian or Nova Scotian has to spend double or triple the time struggling through a French case? This almost seems like a token gesture to show how truly bilingual / enlightened McGill Law is.

Passive bilingualism is doing things in a half-assed way, and it really creates a satirical parody of what McGill Law is ultimately trying to accomplish.

Like I said before, I really don't have a problem with French, or bilingualism in and of itself. But, look, passive bilingualism is doing things in a half-assed way, and it really creates a satirical parody of what McGill Law is ultimately trying to accomplish. McGill Law must make a choice: either create a 100% actively bilingual school where only truly fluent students may succeed (and that's probably only students from Quebec), or maintain McGill Law as a bilingual institution where English and French are taught side-by-side, but not integrated into one sphere. ■

For l'écriting and la writure:
My Défense of la Faculty of Droit's Strange Bilinguisme

par Fabien - Fat Head - Fourmanoit (Law II)

J'aurais dû attendre une semaine avant de répondre à cet article de David Perri que vous venez (ou pas) de lire. Je sais. Mais la tentation était trop forte. Le sujet est trop vital, émotif, pour attendre. D'autant plus que si je patiente une semaine, d'autres écriront pour dire exactement ce que je pensais tout bas. Alors à ces gens-là: cette fois-ci, vous m'aurez pas! Ha! (Voilà la souffrance morale à laquelle je suis confronté chaque semaine en tant que co-rédacteur de ce journal. Je suis un triste personnage.)

I would like to start this montée de lait (this one is for you, Jérôme) by stating that as a Francophone, and as a #1 fan of McGill Law, I feel quite… disappointed (in a very non-condescending way – I'd rather make that clear – you never know who's going to backstab you when you write in the Quid) by David's confession. Not that I expected every single Anglophone student out there to understand and speak French to perfection, but I was hoping that "passive bilingualism" wouldn't go out of fashion so quickly.

À lire l'article qui précède, on jurerait que le bilinguisme est une tare, une vilaine habitude à perdre. Sans même toucher aux échardes qu'une telle position inévitablement enfonce au cœur du Québécois (je parle de la proverbiale quête d'identité de la "Nation québécoise") j'avoue que l'idée seule de diviser notre Faculté en univers parallèles, l'un francophone, l'autre anglophone, me révulse, pour de multiples raisons.

Not that I expected every single Anglophone student out there to understand and speak French to perfection, but I was hoping that "passive bilingualism" wouldn't go out of fashion so quickly.

First: If you don't want to learn, don't, but then why bother with a law degree?

There are an infinite number of reasons why David's suggestion is highly objectionable: allow me to try and outline a few of them. Among other things, he suggests that the "passive bilingualism" requirement is driving away potential law students, and that McGill Law is losing valuable applicants. To me, those who are put off by this requirement simply weren't "capable and competent" candidates in the first place. The reason is clear, albeit merciless: if you're "capable and competent", and if you're convinced that McGill's transsystemic approach is the one for you, you won't hesitate to learn at least some basic French. You're bound, at some point in your career, to be confronted to Francophones. And even if you never are, (because, say, you work, eat, sleep, and – you get the point – on Bay Street) you should at least, as a future lawyer, show some curiosity (for lack of passion) for your country and what it has achieved (or is trying to achieve, but I'm leaving the political component aside – happy Dennis?).

Second: If you don't go to McGill Law, McGill Law won't go to you!

Un argument parallèle est que si vous n'avez pas, sans dire la capacité, disons la volonté ou la détermination d'apprendre le français pour entrer à McGill, malheureusement ou heureusement, McGill ne viendra pas à vous. Le nivellement par le bas, ça marche peut-être dans les salles d'urgence des hôpitaux québécois, mais pas dans les institutions d'enseignement. Le français est une partie intégrante de l'apprentissage dans cette faculté: une éducation transsystémique sans français n'est pas une éducation transsystémique. Vous proposez quoi, qu'on fasse la razzia dans les casebooks pour en filtrer tout le contenu francophone? Et après, qu'on fasse un très zoli feu? Feu, feu, zoli feu, ta chaleur nous abêtit!

The administration's attitude towards language learning is indeed very unfortunate, as Jeff Roberts points out in his article. It is a serious obstacle to all non-Francophone (as well as non-Anglophone, by the way) students who are willing to take the extra step of learning a new language, all for the very purpose of joining McGill Law. Correct me if I`m wrong, but the option of taking a credited minor in French (Concentration mineure en langue française, available from the Département de langue et littérature françaises) remains open to those students, but is admittedly a rather constraining programme.

Third: If you think being bilingual is showing off, you should see my Mercedes

Il fallait absolument que je dise ma façon de penser à Jérôme Lussier, qui, la semaine dernière (et en première page, c'est vous dire si je suis bonne pâte) dénonçait vertement l'écriting (ou writure), c'est-à-dire le passage du français à l'anglais à l'intérieur d'un même texte. Vous aurez peut-être remarqué que c'est exactement ce que je me suis amusé à faire ici: non pour le simple plaisir de faire bisquer Jérôme (quoique j'avoue en tirer un certain ravissement), mais parce que je suis convaincu que c'est une méthode incroyable de favoriser les échanges bilingues dans cette faculté trop souvent (et comme le rappelle tristement David) divisée.

Jérôme advocates that this form of communication is grounded in "a mistaken conception of the purpose of institutional bilingualism". Weirdly enough, Jérôme never tells us what exactly he thinks is that revered purpose… To me, institutional bilingualism is, put very plainly, an effort to reconcile two worlds, (Parti Québécois buffs would say "Nations"): one happens to speak French and the other English. At a governmental level, it is only normal that communications in the Canadian bilingual context should be made entirely in both English and French, given that not everyone speaks both. But in this Faculty, whose purpose is to achieve a higher level of integration with its ambitious transsystemic approach, everyone is deemed to be "passively bilingual". The situation is thus very different.

Il n'est pas nécessaire de tout traduire dans les deux langues, puisque chacun est (en principe, quoique David ait mis ses bémols à mon enthousiasme…) en mesure de comprendre. Au contraire, la traduction est même un frein à l'apprentissage, puisque l'étudiant pressé, entre un chapitre de Baudouin et un autre d'Ibbetson, va ▶

directement aller vers la langue qu'il connaît le mieux. Si l'on veut le pousser à se transsystémiser lui aussi, il faut au contraire le garder de la tentation de se réfugier derrière ce qu'il connaît, derrière une version unilingue. Le but n'est pas de traiter les Francophones et les Anglophones également: ils s'en foutent. Ils sont ici pour apprendre: si au passage, ils peuvent se familiariser avec une autre langue, tant mieux!

Sure, as Jérôme points out, alternating French and English in the same text can be seen as pretentious. And to switch languages in the same sentence for the sheer fun of it makes strictly no sense grammatically, I am d'accord. But then, I don't care. If it can improve bilingualism in this Faculty, as I think it does, then I'll be happy to be the worst braggart to have ever lived on this planet. To be perfectly honest, I should say that songs and other so-called artistic works in Franglish have always gotten on my nerves, and I think that switching languages in the same sentence can be very disruptive and annoying: but I also think that in a learning environment, an intelligent use of writure is appropriate.

Enfin, je voudrais faire remarquer qu'à mon entrée dans cette Faculté, il y a moins de deux ans, (et je dédie ce paragraphe aux étudiants francophones du cégep qui se joignent à nous cette année), j'étais un pauvre petit francophone qui n'avait jamais suivi de cours en anglais. Le pendant francophone de David, quoi (avec la curiosité en plus). L'écriting est un instrument imaginatif et utile qui m'a certainement aidé à m'intégrer dans ce monde de gens au bord de la trentaine, jaspinant l'anglais… et qui pour la plupart ne reconnaîtraient pas François Pérusse s'il venait tondre leur gazon. ■

The (Passively Bilingual) VP External Responds

by Jeff Roberts (Law II)

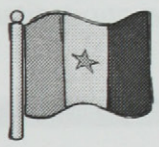
Ouch. While a Quid drubbing is never much fun, there is often consolation to be found in a well-timed counter-attack that reduces one's accusers to petty, gibbering morons. Alas, no prospect of that here. Enjoy the mea culpa, kids.

Firstly, I apologize to the faculty in general and to my LSA colleagues for the lapse in judgment that saw me send a pretty execrable piece of French to NoticeBoard. In doing so, I unwittingly exposed some of the realities that lurk behind our faculty's professed bilingualism.

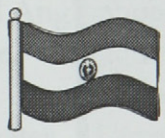
As M. Lussier and Mlles Grenier and Labrecque were quick to point out, the alleged French component of our program may too often be regarded as window-dressing or an after-thought. The now infamous NoticeBoard posting could hardly have allayed this suspicion. The posting was lazy and unprofessional, and I thank the good people at the Quid for taking the time to edit the printed version.

Other trenchant points were raised in both articles that deserve a discussion. What follows are purely my own observations.

What, then, is the state of "passive bilingualism" at the faculty? Currently, 'official' student events transpire mostly in English. In addition, it is possible to complete an entire BCL/LLB degree without taking a single ▶



Party de financement/ fundraising party



Venez en grand nombre vous amuser au party de financement de deux coopérantes de votre Faculté!!! En effet, le 31 janvier prochain se tiendra une soirée au Thomson House dans le but de ramasser des fonds aidant Julie Girard-Lemay et Véronique Fortin à réaliser leur projet humanitaire au Paraguay et au Sénégal.

Trouvez dès maintenant Finn, Julie ou Véro pour acheter vos billets et ainsi poser un geste de solidarité internationale!

Lieu : salle de bal du Thomson House
Date : 31 janvier 2003, vers 21h00
Prix : 5 $ (consommations au prix habituels du TH, donc très abordables!!!)

Come and have fun at the fundraising party of two international volunteers from the McGill law Faculty!!! On January 31st, there will be a party at Thomson house to help Julie Girard-Lemay and Véronique Fortin raise funds for their overseas projects in Paraguay and Senegal, respectively.

So find Finn, Julie or Véro, buy your tickets and show international solidarity!

class in French. Does this signify that the McGill leopard has never really changed its 'bastion of Anglo-Saxon culture' spots? Not necessarily.

There are some institutional barriers in place to prevent the faculty from becoming as bilingual as it could be. At the head of the list is the baffling regulation that bars students from taking language classes as electives. This prevents many of us from acquiring a greater confidence and ability to publicly speak and write our second language. Painfully aware of our limitations, we become reluctant to be bilingual participants in class and elsewhere.

Secondly, the faculty could stress the value it places on bilingualism by requiring students to take courses in both languages.

Lastly, the LSA has often been remiss in ensuring that extra-curricular student life transpires in both languages. For this, sheer laziness is to blame more than any other factor. As English is the first language of a large majority of the LSA council, convenience dictates that most discussion occurs in English. If the majority of the LSA were francophone, French undoubtedly would be used most often. A fault occurs when this practical expediency comes to be reflected in the character of the institution. This is has certainly occurred to a degree within the LSA this year but it is debatable whether it is necessary to create an official position to address the issue. Ideally, LSA members could remain cognizant of the bilingual goals of our faculty and ensure that those goals are reflected in their job performance (starting, of course, with the VP External).

Even in light of the above, the faculty has been successful in many respects at promoting a bilingual environment. The mix of French and English we enjoy here enriches us not only academically, but personally as well. ■

I Love Double-Standards

by Dennis Galiatsatos (Law III)

Rarely do I write articles in this tabloidesque rag (just kidding, of course). Not because I don't have things to say, but because I can usually sum it all up with a sarcastic drawing. Once in a while though, when an issue really makes me lose sleep, I'd rather put it in words, as a drawing might seem too political or offensive. Last week's articles about the horribly written French message in the notice board stirred up some of those emotions. Actually, not the articles alone, but also some conversations that I overheard in the pit about the same topic.

Of course, no one can deny that the *Barreau* message was really bad. In fact, I totally understand why Jérôme was annoyed by it, as he explained in his well-written article. What disappointed me however were the strong positions taken by other students about the "bigger picture" with respect to French in the faculty.

Jérôme mentioned that "it is by no means insulting for a Francophone to receive unilingual English messages in a predominantly English faculty. This was expected by every Francophone student upon entering McGill." After hearing from many Francophone students, it is obvious that Jérôme was wrong: many are insulted by that.

To see students scrutinize a professor for saying "à la McGill," or complain about insufficient courses being offered in French, or insufficient French orientation ▶

materials, simply breaks my heart. In the excitement of passive bilingualism, it seems that some have forgotten that McGill University is an English school. On the date this article was written, such institutions were not yet outlawed in Quebec.

almost on... As far as I am concerned, there are two logical approaches to answering these questions.

First, that an Anglophone student is aware that the above are Francophone institutions, and should adjust his/her expectations accordingly. Or in the alternative, that an Anglophone student at Univ. de Sherbrooke should be accommodated in English, on the basis of equality. The double standard is blatant, and can be insulting. The fact that there is a high percentage of Francophone students cannot be used as an argument to support complaints. This would be circular thinking. As I understand it, from speaking to Francophone friends of mine in the faculty, they were attracted to McGill by the features of passive bilingualism above, and not some expectation that the faculty would (or should) further change as the Francophone presence increased. Besides, if University of Montreal had the same policies that McGill does, there would CERTAINLY be a higher percentage of Anglophone students enrolled there.

I do get offended when students complain that McGill Law is too unilaterally English.

Passive bilingualism, as I understood it (hopefully the powers above will correct me if I am wrong) consisted of three things: (1) a student can ask a question in class in any of the two languages, regardless of the language of the lecture; (2) a student can write his/her exams in his/her language of choice; and (3) all students are expected to be able to deal with readings in both languages, as the Civil Law often involves French texts. To go any further than this brings up an interesting question of equality: how much can an Anglophone student expect other Quebec universities to offer the same privileges? How much English was in Université de Montréal's orientation materials this year? How many notice board messages are sent in English at UQAM? I can go on forever, but wrestling's

What makes me sad is that the arguments made are extremely political, and until this point, what I loved the most about McGill law school was the fact that students seemed to check politics at the door. Was I naïve? I have always appreciated the fact that Francophone and Anglophone students coexist in harmony here. Antagonism and animosity should be left to the politicians during the election debates. I grew up in Pierrefonds, went to French elementary and high schools, and my closest friends are all Francophone. Furthermore, I intend to practice in Montreal (mostly in French, of course), and language was a large factor for me in choosing NOT to return to Toronto after working there for a summer. Hopefully, all this will show that I do in fact love the French language (this is obvious to anyone who knows me in the faculty), but I nevertheless do get offended when students complain that McGill Law is too unilaterally English. To do so is really hypocritical in light of how things are in other Quebec universities.

Next time a professor is caught saying "à la McGill," instead of laughing, students should just be grateful for what they have: great professors who at least make an effort (which would be quite rare at U de M), and who easily could be teaching west of the border and making much more money.

OK, back to the funny drawings for me.■

Our Committee is Working Hard - So Should We

by Alexandra Law (Law II)

Remember last semester when the LSA organized that series of open meetings about the Faculty's funding difficulties? I know it seems long ago, but humour me. During the last General Assembly in December, a Student Ad-Hoc Committee on Faculty Funding was elected. Their mandate was discussed at the meeting. Generally, it is to solicit student input, work on options for solving the funding problem, and communicate student views to the Faculty Working Group. As many of you read in last week's Quid, the student committee will be meeting at Thomson House every Tuesday at 5:30PM this semester. These meetings are open to all who wish to attend. Unfortunately, it seems that few of us are interested, and that may be cause for concern.

At the meeting I attended two weeks ago, I counted two other students who were not members of the committee. Last week, I was the only undergraduate present who was not an elected member. Such low attendance is potentially damaging to our interests. While the Student Ad-Hoc Committee was elected to represent our views, it cannot do so adequately in isolation. The committee is working on various ways to encourage student participation in the funding debate, including a website, progress reports, a survey and an information pamphlet. All of these are laudable efforts and a testament to the commitment of the members to an open, democratic process. However, these measures all take time, and that is in short supply this semester. We need to help the committee members out.

Allow me to explain. The Student Ad-Hoc Committee must consult with us before offering any official student opinion to the Faculty Working Group. For that consultation to be effective, we (the student body) must be made aware of the options being considered, and the potential advantages and disadvantages to each. This means that the committee is required to disseminate a vast amount of information in a short period of time- information which goes beyond what many of us have already seen in classroom exercises. In addition, students need time to digest this information before making choices.

The Faculty Working Group, on the other hand, is not bound to seek the approval of a polity the size of that represented by the Student Ad-Hoc Committee before making any official statements. Thus, the Working Group is able to make decisions far more rapidly than our student committee can. Should the group come up with suggestions that may or may not be in our best interest, the student committee will depend on us for direction. It is therefore essential that we prepare ourselves as much as possible.

I do not mean to imply that the discussion process between professors and students is adversarial. Professors and students have many common interests, and are currently working together on funding-related projects such as the Social Contract. My point is that if a real conversation is to take place between students and professors, the Student Ad-Hoc Committee must be able to determine what student opinion is on a given matter within a reasonable timeframe.

Attendance at even one of the Student Ad-Hoc Committee meetings can give students a context within which to place the options which will be paraded before us at later General Assemblies. In this way, less time will be needed to explain each funding option, more time can be devoted to open debate, and the committee will be able to go about its business of representing us in the Working Group more efficiently. Our interests are better protected the more informed we are.

When I asked one of the committee members why he thought so few students had attended the meetings so far, the member cited "fatigue" with the process as a reason. I accept that. Meetings are not always a party. Anyone who was present at the last General Assembly certainly knows what I mean (I now have greater respect for the United Nations' ability to get things done than I ever would have dreamed possible). I also understand that when the Student Ad-Hoc Committee starts circulating draft Social Contracts, progress reports, and other material, many of us will be under pressure to get course reading out of the way before considering the funding issue, which is more easily placed on the back burner than a 100% final exam. However, unless we want our financial future(s) to be decided undemocratically, I think we should be prepared to put some effort into the process.

Many of us came to law school in part because we want more than just a passive role in how decisions are made by government, business, and administrative bodies. Law students want to be decision-makers, and some day many of us will be. It's time to start practicing. ■

Admin Fees – For What, Exactly?

by M. Sims & H. Graham (Law II)

We have chosen to write this piece in reaction to recent events in the Faculty. Although neither of us have been personally involved in the disputes alluded to below, the students who are involved are understandably reluctant to voice these concerns themselves. We have decided to submit this piece as observers of a situation that clearly needs to be addressed.

To begin, we are interested in the funding committee's rumoured exploration of increasing administrative fees as a solution to the funding crisis, at a time when some in the administration seem openly hostile to students.

The provincial government controls the level of university tuition by subtracting one dollar of government funding for every dollar increase in tuition. This provides a powerful disincentive to increase tuition. No such penalty applies to an increase in administrative fees. Raising those fees is, therefore, an attractive option for a faculty that is short on cash.

Our concern here is not with a fee increase *per se* – we leave that debate to another time. Our concern is that the Faculty would charge students more money in the name of administration, when there is an acute and pervasive awareness among the student body of the administration's disdain for students whose needs may create extra administrative work. Students are becoming increasingly plaintive about the air of contempt that they sense whenever circumstances are such that they need to turn to the administration for assistance. Our discussions with students have made it abundantly clear: students have▶

come to see that their interaction with the Faculty administration will necessarily involve a series of petty indignities. Student concerns are often met with scepticism or derision, even when the concern arises out of a failure or error on the part of the administration.

Often, when students bring an issue to the administration, they immediately feel that they have entered an adversarial process. Granted, a vicious cycle is developing in that some students are aware of this beforehand and enter certain offices of the administration knowing that they must be prepared for a fight. Unfortunately, experience of late proves them to be right.

It does not have to be this way. Between the two of us, we have attended four other universities. At all four, administrative staff treated us with dignity and respect. When presented with a concern, there was usually a genuine attempt to address it. We did not always get what we wanted, by any means, but we were always treated as members of the university community, not annoyances to be gotten rid of as soon as possible. And we could count on the administration to make a real effort to accommodate reasonable requests, though they may not have adhered strictly to procedures or required some additional work. Students at McGill Law have no such expectations from our administration. Some here have made it plain that they view students, at best, as unmotivated or lazy and, at worst, as an opportunistic, grasping nuisance. The default attitude seems to be, "suck it up."

Let us be clear. We are not talking about the OUS or the CPO. Nor are we talking about our academic experience here, which on the whole has been excellent. We are talking about a small group of administrators who give the impression that they would prefer it if the students were not here at all.

We recognise that the administration here is grossly under-funded, and that staff may feel stretched to the limit. But we were students in undergraduate faculties of 9,000 and 40,000 students, and those faculties were still able to treat us courteously.

This brings us to our last point. If the funding committee hopes to increase revenues from alumni contributions, it should consider carefully the taste the faculty leaves in its graduates' mouths. Like most students here, we are regularly contacted by our alma maters asking for donations. Which universities does the committee think we will feel inclined to support in the years ahead? ■

An Early and Important Judgment of Morissette, JCA

A note by Prof. William Tetley

Our former colleague, Yves-Marie Morissette, has already rendered an interesting decision on a very rare motion, in virtue of sect. 37 of the Supreme Court Act, which reads:

[Appeals with leave of provincial court] Subject to sections 39 and 42, an appeal to the Supreme Court lies with leave of the highest court of final resort in a province from a final judgment of that court where, in the opinion of that court, the question involved in the appeal is one that ought to be submitted to the Supreme Court for decision.

The normal and in fact only method used in the past in Quebec to appeal to the Supreme Court of Canada has been by virtue of sect. 40(1) of the Supreme Court Act, where the Supreme Court, itself, grants leave to appeal. The Supreme Court, of course, is reluctant to grant appeals in civil matters except on questions of principle.

Jérôme Choquette (B.C.L. McGill 1949), representing a plaintiff, used sect. 37, because a panel of the Quebec Court of Appeal (consisting of three Appeal Court judges, whom I do not name here) had made what appears to have been a flagrant error of law, in failing to note new articles 1580 et 1587 ccq. and in respect of an additional indemnity.

Choquette's motion under sect. 37 was heard by a second panel of the Court of Appeal being Brassard JCA, Morissette JCA and Grenier JCA (ad hoc). The second panel did not grant the motion, but being clearly embarrassed, ordered a stay of execution of the first panel's judgment, until the Supreme Court had ruled on a motion for leave to appeal to be made directly by the plaintiff under sect. 40(1) of the Supreme Court Act. I have in my office the notice of that motion for leave to appeal to the Supreme Court, for those interested.

The judgment of Brassard, Morissette and Grenier reads:

«**CONSIDÉRANT** que les questions de droit que la requérante voudrait soumettre à la Cour Suprême nous paraissent sérieuses;

CONSIDÉRANT le silence du jugement de notre Cour relativement à l'applicabilité en l'espèce des dispositions des articles 1580 et 1587 du Code Civil du Québec;

CONSIDÉRANT, de façon très subsidiaire, que l'octroi par notre Cour en l'espèce de l'indemnité additionnelle nous paraît non justifié;

CONSIDÉRANT, cependant, que nous ne saurions voir dans les remarques qui précèdent, une circonstance ou des circonstances de caractère exceptionnel au sens développé par la jurisprudence d'autres cours d'appel et qui soit de nature à justifier notre Cour de nous prévaloir des dispositions de l'article 37 de la Loi sur la Cour Suprême en autorisant nous-mêmes un pourvoi devant cette Cour;

CONSIDÉRANT, enfin, le consentement de l'Appelante, intimée sur la présente requête, à ce que l'on considère une demande verbale de sursis d'exécution en vertu de l'article 65.1 de la Loi sur la Cour Suprême;

POUR CES MOTIFS, LA COUR;

REJETTE la requête en autorisant d'appel, sans frais;

ACCEUILLE la demande de sursis d'exécution, également sans frais;

ET IL EST ORDONNÉ de surseoir à l'exécution du jugement de notre Court du 22 octobre 2002, jusqu'au jugement de la Cour Suprême à intervenir sur une demande d'autorisation qui lui serait présentée directement par la requérante Dame Vera Mendel ou jusqu'à l'expiration des délais d'appel, selon la première des échéances.

LE TOUT, uniquement, en autant que la requérante Dame Vera Ortner Mandel est concernée.» ▶

ANDRÉ BROSSARD, J.C.A.,

YVES-MARIE MORISSETTE, J.C.A.

DANIELLE GRENIER (AD HOC), J.C.A.

Apparently, this is the first time such a motion for flagrant error has been made in Quebec, except once in the obscure past. The motion has been made only very rarely in the ROC. ■

De-Mystifying In-Course Joint Merit-Need Prizes

by Toby Moneit (Law II)

Last term I was asked, as the student member of the Working Group on Prizes and Awards, to look into the granting of joint need and merit based awards (i.e., scholarships given on the basis of both financial need and academic achievement. To the colleague who put the question to me over a beer at Thompson House on lunch break: No, I have not forgotten you. For those of you who weren't at Thompson House that day (approximately most of the faculty), I had better start from the beginning…

The Faculty of Law awards a number of prizes for which financial need is also taken into account. Unfortunately for most of you reading this article, you are not eligible for these prizes as they are only offered as admission scholarships. Despite this harsh reality, I feel that there is some benefit to describing the procedures used in handing out these awards.

In making admissions offers, Assistant Dean Meikle alerts candidates to the fact that they have been nominated for joint merit and need awards. In order to be eligible for such awards, the students are told that they must be registered through the Student Aid Office and are asked to fill in forms available through the Law Admissions Office. Ms. Meikle's list of candidates and their respective forms are then forwarded to the Student Aid Office where they are evaluated. The highest "ranked" (on entrance merit) student who also experiences the greatest level of need will be granted available awards which will be processed and disbursed through the Student Aid Office.

For suckers like us who are already in the-grind, there are bursaries (i.e. not based on merit) available through funds that were established specifically for law students. In order to qualify for these, though, you will have to make an appointment at the Student Aid Office (3600 McTavish Suite 3200, (514) 398-6013, student.aid@mcgill.ca) where a counsellor will assess your situation and recommend you for a bursary if he or she feels that you qualify.

As for in-course awards, the joint merit-need prizes are slim pickings. In-course awards are granted during our stay at the Faculty and are assessed by the Working Group on Prizes and Scholarships sometime before the May Marks Meeting.

There are four such awards: the Desjardins Ducharme Stein Monast Scholarship, the H. Carl Goldenberg Scholarship, the Lyon William Jacobs, Q.C. Award, and the Hans Herman Oppenheimer Scholarship in International Law. According to the Office of Undergraduate Studies, a list of students who are eligible based on merit is sent to the Student Aid Office for assessment. Theoretically, the Student Aid Office would then determine the prize winners based on level of need. Any student who is registered at McGill can be evaluated for these prizes, and need is assessed on the presence of any debt in the student's file (whether it be government loans or through the Student Aid Office). Ideally, Student Aid would base its calculations on the current situation of each student. This, however, is only possible if the students in question have been to visit the Student Aid Office recently or, as in the case of admissions joint prizes, they have been asked to fill in the student aid forms. No such forms are requested by the OUS. ▶

The New Social Justice Bursary

by Colleen Hoey on behalf of the Human Rights Working Group

It is not infrequent for people to comment with some irony that many students who come to the McGill Faculty of Law state on their letters of application that they want to work in the area of social justice and human rights, but then few actually follow through on this intention. The primary reason for this is not lack of commitment, but lack of financial resources.

Positions working in areas related to human rights, environment, disarmament etc., whether national or international, are typically underpaid or unpaid. During the summer specifically, most students are not able to forgo earning an income during those four months knowing that tuition bills and rent will be waiting for them upon their return. This is particularly true for students who are supporting themselves or are themselves responsible for supporting their own children or other people. The idea that people should willingly forgo making an income because they are doing 'good work' is not only economically unrealistic, it also reinforces the perception that certain types of work are somehow less worthy of remuneration. The martyr/ 'sell out' dichotomy is not a healthy one from either side of the coin.

In September of 2002, representatives from different student groups at the faculty got together to discuss the possibility of trying to create a bursary that would help support students interested in working in social justice positions during the summer. Many students and groups have been involved in this initiative, but in particular Heather Graham & Michelle Toering's work in researching and developing a proposal for the bursary, Laurent Massam's incredible work in going to the firms and successfully pitching the idea that firms use some of the money allocated for coffee house to help build a social justice bursary and Jeff Roberts' persistent urging and support for such a diversion of funds deserves warm recognition. Thanks must also go to Dean Leuprecht for his support and encouragement of the initiative.

And now, thanks to the contributions of the following firms, I am happy to report that the McGill Faculty of Law officially has a Social Justice Bursary Fund!: Faskin Martineault, Davies Ward, Phillips & Vineberg and Heenan Blaikie. It is due to their support that this idea has become a reality.

So how is it going to work? In the next few months there will be a call for applications from students who will be spending the coming summer working in a social justice position that is unpaid or underpaid. ▶

(In-Course Joint Merit-Need Awards cont`d)

At least for the past few years, though, this has not been a problem as the OUS has sent a memo to the Director of the Student Aid Office with only one name per award. Student Aid will then verify if the student is, in fact, "in need". Because the forms have not systematically been filled out, the record consulted for the students in the memo is not necessarily up to date. But, the students will be eligible if they carry any debt on their record. Files are kept active for five years, so if you did your undergraduate degree at McGill and had loans or bursaries, you may already have a file with the Student Aid Office.

If you have been to see a counsellor at the Student Aid Office, independently of anticipating being granted one of these awards, a file has been created for you. You do not necessarily have to have accepted a government loan in order to qualify for these prizes. Any debt will do!

I hope that I have made a small path through the jungle of prizes and awards. To be honest, I still do not understand it all myself. One person at the Student Aid Office told me that it is best to simply "go with the flow". And while I tried my absolute hardest to suspend disbelief as I confronted the depths of university bureaucracy, I could not help but be left with numerous questions.

Why doesn't the Faculty use the same procedures in awarding admissions and in-course joint academic merit and need based awards?

I.e. why doesn't the Working Group on Prizes and Scholarships forewarn nominees for the in-course joint awards and ask them to fill in the financial aid forms?

Without having these forms, isn't the Student Aid Office being asked to assess need on what might be inaccurate and out-dated information?

The information that the Office has might be up to five years old. If it is asked to rank a list of students on the basis of need, it could be comparing between different years of debt.

It is true that it is accepted practice that only one candidate is forwarded to the Student Aid Office for each of these prizes? If so, why do the stated procedures point to the opposite?

Despite my discussions with administrators in different areas of the Faculty and University bureaucracy, and my diligent pursuit of the answers, my guess is as good as yours. ■

Toby Moneit is the student member of the Working Group on Prizes and Scholarships of the Faculty. The positions in this article are the author's own and in no way reflect the positions of either group. Please note that while the author attempted to be as accurate as possible in this article, it is virtually impossible given the varying processes detailed by different administrative functions.

Social Justice Bursary cont`d)

All applications that meet a predetermined group of criteria for their internship will be entered into a lottery so that all qualifying applications have an equal opportunity to be selected.

Based on donations and pledges to date, we expect to have approximately $3,000 to distribute, perhaps more if other sources of funding develop.

While it's not a lot of money, it is a start that we hope to build on. The long-term goal is to have a fund that will provide students with a competitive income for the summer so that they are not forgoing their desire to work in the human rights/social justice field due to financial considerations.

People wishing to know more and get involved should contact Heather Graham at hazy_red@hotmail.com or Michelle Toering at mtoering@hotmail.com. ■

feminism & film

a minor jurisprudence

an exploration of feminist legal theory through a selection of features and documentaries

The Riddle of the Sphinx January 30th=

One of the most visually stimulating, theoretically rigorous films to emerge from the 1970s, this landmark fusion of feminism and formal experimentation seeks to create a non -sexist film language. The film invo kes and challenges traditional interpretations of the Oedipus story as a movement from matriarchal culture to patriarchal order. The central narrative section, about Louise, a middle -class woman and her four -year-old daughter Ana, is an inquiry into the ar bitrary nature of conventional film techniques that captures Louise's struggle with motherhood in a patriarchal society.

ROOM 201, NCDH ? STARTING AT 6:30PM

SPONSORED BY CANADA RESEARCH CHAIR IN LAW & DISCOURSE

Right is Mike ....

by Michael Hazan (Law I)

Unless you have been watching Judging Amy, you would not have known that one of America's premier fighting machines has passed away. Actor Richard Crenna died of cancer last week before having the chance to marry Amy's mom on the hit CBS show. Oh, you don't know who Richard Crenna is? Well for all you pacifists, Crenna portrayed Colonel Samuel Trautman throughout the Rambo Trilogy and has been instrumental in the war on terror since the 1960s.

Beginning in Vietnam, Crenna, along with John Rambo, was part of an elite fighting force before being recalled to the United States by Tricky Dick Nixon. Most of you know what happened afterwards: Sheriff Will Teasle tried desperately to force Rambo out of his Pacific Northwestern town before Rambo tore up the place and killed his police force before taking on the National Guard. Crenna proceeded to help Rambo exorcise the demons of his Vietnam experience and brought him back for one more mission in Afghanistan. With a little help from Gorby, Rambo and Crenna were finally able to rid Afghanistan of the commies. Unbeknownst to these freedom fighters, the Taliban were ultimately able to gain control of the government and without rehashing two years worth of news, we are at the end of January and the U.S. is about to pummel Iraq.

Wait a minute. It is obvious that one piece of domestic business needed to take place before George W. could give the green light to Operation Oust Saddam. If you guessed the Super Bowl, then you're smarter than you look. Knowing that this is one of the great symbols of freedom for Americans, Bush has to ensure that the game goes off without a hitch. If you doubt this, then you need to read about the eerie similarities between American Foreign Policy and American Football since Bush Jr. took office.

With the aftermath of September 11th, it was important for Americans to unite as one for the war on terror. What better way for the underdog New England *Patriots*, draped in red, white and blue to defeat the heavily favoured St. Louis Rams on a last second field goal to win the Super Bowl last year. If Bush did not place a call to NFL commissioner Paul Tagliabue, I would be in utter shock. Fast-forward a year and think about the two teams that just played for the NFL championship, the *Raiders* and the *Buccaneers*. With the White House calling the shots to ensure that a team that embodies brute force wins, a wave of public opinion will allow them to carry out their foreign policy without any hassle. If the entire nation behaves like crazed pillagers along with the Super Bowl Champs, then Bush will not only be able to get rid of Saddam, he will also win an even more valuable second term.

At the moment, with Saddam being uncooperative and the EU running scared, Bush's only choice is to go in alone. With Crenna gone and Rambo in retirement, the Iraqi despot and his thirty stunt doubles have caught a mini-break. But with the Super Bowl out of the way, America is going to start throwing bombs that aren't meant for Oakland's spectacular Jerry Rice. ■

Saving the World Redux

by Jared Will (Law I)

In last week's Quid, Stephen Panunto addressed an issue that is very commonly discussed in this Faculty, namely, the ethics of getting a job at some big law firm. The basic issues are familiar—selling out or financial security?; evil firms or just successful advocates?; corporate whore or responsible aspirations?; etc. I fully agree with Stephen that the job someone chooses is not fully determinate of her moral character; nor is it fair to claim that big law firms always do evil things.

I would like to suggest, however, that Stephen broaden his ethical analysis just a bit. It is true that part of being an ethical lawyer is "simply not being … a scumbag;" but it's equally true that part of being an ethical person entails making life choices that reflect social values rather than individual ambitions. That is, just because one behaves in an ethical manner in all of one's interactions as a corporate lawyer, one is not therefore leading an ethical life. Morality counts everywhere, and it counts in the big decisions and life choices as well as the daily ones. If one recognizes that we live in a society where the division between rich and poor is growing, both domestically and internationally, and acknowledges that profit-driven practices of the business community are largely responsible for this trend, then anyone who takes a job whose function is to grease the wheels of the business elite clearly places herself in a position of some shortcoming with respect to social obligations.

It is true that we are not accustomed to analyzing things in this manner—we live in a culture that promotes individual accomplishment to a fanatical degree. It is this orientation that permits the view that a large part of ethical lawyers is just "not being a scumbag" to distract us from the fact that the biggest part of leading an ethical life involves recognizing that one's social obligation are paramount.

Now for the really controversial bit. First, Stephen claims that a necessary component of a good job is that it is lucrative, and in the next sentence sings the praises of financial security in such a manner so as to imply that financial security requires a lucrative job. Well, it doesn't—unless one is committed to unsustainable consumption expectations. Second, I disagree with Stephen's claim that not all rich people have done unethical things to get wealthy. Laying aside that fact that producing a profit in our socio-economic system generally requires, at some level, exploitation of either natural resources or human labour, or both, it seems straightforward enough that the accumulation of wealth in a world where abject poverty is rampant places one in yet another situation of some degree of moral malfunction.

So, do I think that every corporate lawyer or wealthy person is evil? No. Do I think that placing individual aspiration ahead of social obligations is deeply problematic? Yes. Do I think that doing a bit of pro-bono work on the side is sufficient if you spend the other 5 days of the week greasing the wheels of the business class? What do you think? ■

Submit to the Quid! Send your article to quid.law@mcgill.ca before Thursday at 5 p.m.

The Quebec Civil Union: A Human Rights Workshop with Professor Hugo Cyr

by Audrey DeMarsico (Law II)

On January 22, Professor Hugo Cyr of UQAM gave a workshop on the subject of Quebec's new Civil Union Act. Organized by the Human Rights Working Group, this seminar cleared up some confusion about the little-publicized legislation, which was enacted last June 24th to coincide with the symbolic Fête Nationale.

Quebec's Minister of Justice was unable to legalize homosexual marriage explicitly, since the definition of marriage is under federal jurisdiction in the constitution. Instead, he chose to enable a parallel form of relationship, *l'union civile*, which is open to both homosexuals and heterosexuals. This union is similar to marriage yet has important functional differences. For example, while a federally-defined marriage would be recognized anywhere in Canada, there is no guarantee that a couple's civil union would be recognized outside Quebec.

Ironically, while this legislation is an attempt to promote equality among Quebec's citizens by making matrimony more accessible, the civil union is only constitutionally valid insofar as it is *different* from marriage.

Further, while many celebrate the new legislation, it is not easy to support an argument that the Quebec legislature is creating a new form of union for its own sake, rather than to negate the federal government's position on a matter constitutionally within its jurisdiction. This is evidenced by the fact that a heterosexual would have little reason to choose a civil union over "marriage," other than to show solidarity to homosexual citizens.

After a brief discussion of the new legislation, the workshop focussed on the positions and techniques through which lobbyists promote change. Professor Cyr suggested five possible positions one might take on the issue of redefining marriage, outlining the advantages and disadvantages of each paradigm. He then listed several factors to keep in mind when choosing a lobbying strategy. For example, when one considers the question "Who has the power to change the law?" the answer is not straightforward. Often a lobbyist will make political moves simply to spotlight an issue in public discussion, rather than aiming to directly influence a legislature. Professor Cyr also discussed forum-shopping; choosing allies (such as community or religious organizations); modes of convincing power-wielders; the importance of identifying vested interests; and effective choices of narrative or rhetoric.

At the end of the workshop, the audience divided into groups role-playing the positions of heterosexual citizens; religious groups; parliamentarians; and organizations representing lesbians, gay, bisexual, and transgendered interests. This gave participants a chance to engage with the lobbying tools described above, and led to a discussion of issues surrounding the new Act.

I'd like to thank Grégoire Webber for his initiative in arranging for Professor Cyr to join us.

The next Human Rights Workshop will be held on Wednesday, February 12th from 12:30-2:30 in Room 201. Lainie Basman of the Montreal group Stella will discuss Stella's approach to the issue of sex-work, the present legal context in Montreal, the quasi-criminal status of sex-workers, and the quasi-legal measures used against them. The skills-building exercise will involve a debate around the issue of street prostitution, where one group plays the street-level sex worker, one plays the community-worker, one the resident, one the police officer, and another the elected official. The role-players will try to figure out where some of the conflicts lie and the advantages and disadvantages of various strategies to deal with those problems. As always, preparatory materials will be available in the library a few days before the event. To register, write to Audrey.DeMarsico@mail.mcgill.ca. ■

News Item: Provost Declares War On Juzwiak

by Mike Brazao (Law II)

MONTREAL – An impromptu press conference was called yesterday at the McGill Faculty of Law to address an issue that has the entire community abuzz. It appears that after 150 years of suppression, one member of the student body managed to receive an "A" on one of their Christmas exams.

While rumors had been spreading about the historic event ever since the semi-annual faculty marks meeting, it was at the press conference that Professor Rene Provost, Associate Dean Academic, solemnly affirmed the tragedy. Squinting into the cameras, he asserted that the event was the handiwork of the "Axis of Achievement", a covert cell of students and professors committed to the cause of higher marking. He then vowed to "seek out… and *punish* the evildoers", and added that in the war against high marks "you're either with us or against us".

Sources who wished to remain anonymous told *The Quid Novi* that many professors at the marks meeting wanted to dispense with the issue "lynch-mob style", but were stopped by Professor Healy, who gallantly ventured into the fray in the interests of protecting the accused. While he was successful in staying the execution, Professor Healy has not been heard from since. Repeated phone calls to the faculty requesting an explanation were not returned by press time.

The offending student and professor are currently being detained without counsel in Guantanamo Bay, Cuba, pending trial in the Moot Court. Their names have not been released "in the interests of Faculty security". While it is commonly believed that they will be tried by ordeal, it is not yet known whether they will have the option of fire or water.

Professor Provost also reminded his audience that the war against high marks was far from over, and took the opportunity to announce the establishment of a campus-wide dragnet that will infiltrate the many study groups that have been secretly funneling ▶

support to Axis operatives. While stressing that this menace lurks around every corner, he made a point of singling out one suspected transgressor as posing a particularly ominous threat.

Former VP Academic Marta Juzwiak, Law IV, is believed to harbouring weapons of mass instruction. One example cited was the article she published in a September issue of *The Quid Novi*, advising students how to achieve high law school marks without actually reading any of the material. Ms. Juzwiak has recently disappeared, possibly into the underground caves adjoining the buildings of lower campus. Nevertheless, Professor Provost affirmed that she is "wanted: *Dead or Alive*".

All this has had a chilling effect on campus morale, and few members of the law school community feel safe in light of the recent happenings. Critics of the present regime have wondered aloud whether the current "war on high marks" is not merely a façade to distract attention away from the faltering faculty eco-nomy. ■

Media Literacy and Legal Methodology

by Alexandra Law (Law II)

Never have I encountered a law student who enjoyed taking Legal Methodology. Meth is one of those courses that we love to hate, for plenty of reasons which I won't go into here. Allow me instead to indulge in some heresy. I am glad I wrote the factum last semester. It was a good learning experience not only for research skills, but also as a lesson on environmental protection under the NAFTA (I even learned a new word: "hortatory"). That said, I think that our courses in legal research and writing are missing an important component.

In our first methodology class this semester, we were introduced to yet another search engine: the CCH. This handy tool is supposed to help us find little-known facts like whether barbecue nuts are salted or not, or whether gill nets are tax deductible--hey, you never know when you may need that kind of information. Humour aside, on the layout of the first page of the CCH site I noticed a glaring inaccuracy: Employment and Labour law are filed under the rubric of "Human Resources", not "Law". Anyone who has studied industrial relations or taken labour law will understand my objection to this arrangement. To frame all work-related law under the title "Human Resources" assumes that the human resource perspective is the only one that exists in labour relations (or the only one that matters, anyway). Ideologically, it is tantamount to naming the section "The Class Struggle", a title which would elicit guffaws in most legal methodology classes.

This framing of information is an object lesson on why it is inaccurate to assume that legal research tools like the CCH, Lexis, Quicklaw, Ecarswell, WestLaw and others are completely neutral sources of information. While most of us are already aware of this fact, it should still be emphasized in methodology classes. In university we often learn by reading cases and doctrine critically. Professors provide us with guidance in this regard by forcing us to ask why a judge/author chooses to frame an issue in one way rather than another. We learn that policy arguments are political, as their name implies. What we are not made to question, however, is the political perspective of those who create the research tools we encounter in law school, or how our use of those tools may affect our own world views.

I think that a critical discussion is in order, not only about the content of legal databases, but also about their role in society at large, assuming that McGill is an academic institution and not a widget-making school. Legal methodology courses are a perfect forum for this conversation. For example, students could be required to calculate how much each research assignment would cost in dollars and cents if it were completed in the outside world where computer search engines cost clients real money. We could also talk about how lawyers' increasing dependency on privately-owned databases affects the legal system, including access to justice/adjudication.

Other topics for discussion might include the role of corporate ownership of legal databases in current debates on media convergence and public funding for education. To give an example, WestLaw and Ecarswell are both owned by the Thomson Corporation, which in turn owns a 30% stake in Bell Globemedia, the other 70% of which is owned by Bell Canada Enterprises (BCE). The Thomson Corporation is also currently involved in joint ventures with universities including McGill and the University of British Columbia. According to the company's website, these joint ventures enable students to earn an "accredited and branded" degree, "using content and technologies from Thomson Learning companies." Should a publicly-funded (for now) law faculty be concerned about such things when it introduces Thomson's materials in class, or should we simply concentrate on learning how to use the tools we are given?

I have nothing against using search engines. I like the fact that I have a choice among many fast research tools such as Quicklaw and Lexis (owned by the same people, by the way). Some things are easier to find online, and it's great that we are learning how to access that information. I just think that legal methodology would be a more enriching academic experience if we were exposed to some of the issues surrounding the research tools we choose.

[1] Source: http://www.presscampaign.org/nwseptember.2000.html
Check out the history of the Thomson Corporation (with entertaining cartoons for each decade) on their website: http://www.thomson.com/corp/about/ab_history.jsp

[2] Source: "U21 Global", from: http://www.thomson.com/corp/about/ab_business_partners.jsp For an interesting discussion of education service providers under the General Agreement on Trade in Services (GATS), and their possible implications for public education, see National Investment and Services Directorate, Industry Canada: "The Commercial Education and Training Services Industry", available at http://strategis.ic.gc.ca.

Incidentally, I don't know who decided that it should take students an hour and a half to learn how to use each search engine, while the entire book collection in the law library merits only one class. If there is ever a long-term power failure at this faculty, we'll all be done for. ■

Life of Pi

by Jeff Roberts (Law II)

"Can a reader reasonably ask for anything more?". So gushes the back cover of The Life of Pi, this season's most fashionable read. Well, yes, actually. The reader could ask for a lot more. Though not a bad book, the novel's most useful quality is as a reference point for what's wrong with the CanLit scene and much of North American fiction in general.

Yann Martel's yarn about a boy adrift on the Pacific with a tiger scooped several Canadian literary prizes. It wasn't long before reviewers in this country, smelling a hit, dutifully lined up to pant over the novel and explain how it was "a highly original look at what it means to be human", etc. The buzz helped Life of Pi hit the big time last fall when it won the Booker prize for the best fiction work in the Commonwealth.

Martel's book is a quirky, imaginative affair, and the author's prose dances in nearly every chapter: "Soon the sun was alone in the sky, and the ocean was a smooth skin reflecting the light with a million mirrors." But yet one cannot help but suspect that, despite its lyricism, this book was a very calculated affair. At every turn, it smells as though Martel's primary motivation has been to lure the attention of Canada's cultural cabal.

Early on, there are lavish references to Toronto. Martel is a Montrealer but he is well aware of where the power brokers of Canada's literary scene reside. There is also the multicultural component, which obligingly juxtaposes the protagonist's experiences of the old country with those of the new. And for good measure, Martel has thrown in a multi-religious element; young, hyper-tolerant Pi is conveniently a Christian, a Muslim and a Hindu all at once.

Taken together, these elements were sure to tickle the high priests of Canadian publishing. And how. None other than the Dark Queen herself, Margaret Atwood, gave Martel a front-cover endorsement. (It continues to be a stupendous injustice that Maggie overshadows Alice Munroe in the CanLit pantheon).

The presence of Toronto and multi-cultural/religious themes does not, of course, preclude the Life of Pi from being great literature. These elements have all considerably enriched the country's literary experience in recent years. No, the problem is that the mere presence of these elements caused the critics to glorify what is essentially a decent but superficial novel.

The Life of Pi's fluffy sanctimoniousness that is the most galling feature of the novel. The back cover chimes that the book is "of such rare and wondrous storytelling that it may, as one character claims, make you believe in God." Indeed. And if it doesn't? At the very least, one may amuse oneself with guessing the identity of the anonymous wretch paid to write such drivel. (Images come to mind of some former English student, clutching the last of his cheap scotch, wondering when it all went so wrong.)

There are certainly many exaltations of faith in the book. Every few pages, we encounter our protagonist saying something like: "The voice said…I will beat the odds, as great as they are. The amazing will be seen every day. Yes, so long as God is with me, I will not die."

The above sentence represents precisely what is so frustrating about The Life of Pi and many other contemporary North American novels. They abound with smug expressions of faith without taking the time to explain what gave rise to that faith. They fail to respond to the very difficult questions left us by the likes of Dostoyevsky and Camus: How does your God account for a world in which children are tortured? How does one reconcile divine intervention with experience that suggests the universe is indifferent or absurd?

The Life of Pi does not feel the need to answer. Martel truly offers no more than what his marketers hold up: God in a shooter glass. And he is not alone. Recent bestsellers like The Alchemist or The Celestine Prophecy were likewise seized upon as spiritual panaceas. There appears to be an insatiable market for pseudo-mysticism. In light of this, Martel et al come across more as rascals than visionaries.

Pray that this phenomenon will come to an end. ■

IP Online Course

L'Académie Mondiale de l'OMPI (Organisation Mondiale de la Propriété Intellectuelle) aide les États membres à acquérir des connaissances et des compétences spécialisés leur permettant de bénéficier du système de la propriété intellectuelle. Elle a pour vocation générale d'être une institution fournissant des services d'enseignement, de formation, de conseils et de recherche dans le domaine de la propriété intellectuelle.

Le Programme d'enseignement à distance de l'Académie, qui respose sur l'utilisation de l'Internet, propose des cours en ligne sur la propriété intellectuelle. Cela signifie que, partout dans le monde, toute personne ayant accès à un ordinateur individuel répondant à des exigences techniques précises dont l'accès à l'Internet, peut suivre les programmes d'enseignement à distance. Ces programmes sont ouverts à tout le monde, aux professionnels du domaine ou simplement aux personnes qui s'intéressent à la propriété intellectuelle. Le cours est gratuit.

Le cours DL101, intitulé "Cours général de propriété intellectuelle", dispensé trois fois par année, est constitué de 12 modules, consacrés au droit d'auteur, aux droit connexes, aux brevets, aux marques, aux indications géographiques, aux dessins et modèles industriels, aux droits d'obtenteur, à la concurrence déloyale et aux systèmes d'enregistrement international. Ces modules de fond sont accompagnés d'un guide du cours, d'une introduction générale à la propriété intellectuelle et d'un essai portant sur la valeur économique des droits de propriété intellectuelle. Le cours représente environ 50 heures d'étude, qui peuvent s'echelonner à la convenance des étudiants sur une période de six semaines. Il comprend des fichiers sonores, des questions destinées à l'autoévaluation, des tests à choix multiples et un examen final.

Le cours est dispensé en ligne sur le site http://academy.wipo.int . Des qu'un étudiant est officiellement admis, il se voit attribuer un nom d'utilisateur et un mot de passe qui lui permettront de se connecter su sibe Web de l'académie et d'avoir accès aux modules du cours. Le cours est dispensé en français, en anglais, en espagnol, en arabe, en russe, en portugais et en chinois. Les étudiants bénéficient de l'assistance pédagogiques des enseignants universitaires renommés, dispersés dans le monde entier, qui parlent leur même langue. Étudiants et professeurs dialoguent en ligne pendant toute la durée du cours. La méthode d'enseignement à distance est souple et offre aux étudiants la possibilité d'étudier à leur propre rythme, au moment et à l'endroit de leur choix. Un certificat de l'Académie est remis aux participants qui ont suivii l'enseignement avec succès. ▶

INSCRIVEZ-VOUS POUR LA PROCHAINE SESSION DU COURS QUI AURA LIEU DU 1 DE MARS AU 15 AVRIL 2003. LES INSCRIPTIONS SERONT OUVERTES JUSQU'AU 31 JANVIER 2003. POUR S'INSCRIRE:
1) http://academy.wipo.int
2) CHOISISEZ VOTRE LANGUE
3) PRÉINSCRIPTION AU COURS D'ENSEIGNEMENT A DISTANCE
4) REMPLISSEZ LE FORMULAIRE D'INSCRIPTION EN LIGNE
5) ATTENDEZ LA CONFIRMATION DE VOTRE ADMISSION PAR L'ADMINISTRATION DU COURS.

The WIPO (World Intellectual Property Organization) Worldwide Academy assists the Member Sates in acquiring the necessary specialized knowledge and skills to enable them to derive benefits from the intellectual property system. The overall objective of the Academy is to serve as an institution that provides teaching, training, advisory and research services in intellectual property.

The Academy's Distance Learning Program offers courses on Intellectual Property on-line, using the Internet as a platform for course delivery. This means that anyone, anywhere in the world, who has access to a PC which meets specified technical requirements including Internet access, can follow the distance learning programs. The Academy distance Learning Programs are open to anyone, whether they are professionals in the field or simply have in interest in intellectual property.

The DL101 course, entitled General Course on Intellectual Property" , delivered three times per year, covers copyright, related rights, patents, trademarks, geographical indications, industrial design, plant breeder's rights, unfair competition and international registration systems. These substantive modules are complemented with a study guide, a general introduction to intellectual property rights. The course requires approximately 50 hours of study time over a period of six weeks. It also includes audio segments, self-assessment questions, multiple-choice module tests and a final exam.

The DL101 course takes place on-line at http://academy.wipo.int. Once students have registered for the course and have been formally accepted, they are provided with a user-ID and password which allow them to log on the Academy website and access the course modules. The courses are currently available in English, French, Spanish, Chinese, Portuguese, Russian and Arabic. Students are supported by tutors who are fluent in their preferred language and who may be contacted via email throughout the duration of the course. The distance learning method is flexible, permitting the student to study in his own time, at this own place and in a location convenient to him. The course is free of charge.

Students are awarded a certificate from the Academy upon successful completion of the course.

REGISTER FOR THE NEXT SESSION OF THE GENERAL COURSE ON INTELLECTUAL PROPERTY (DL101) MARCH 1 TO APRIL 15, 2003

REGISTRATIONS WILL BE OPENED UNTIL January 31, 2003.

TO REGISTER:
1) http://academy.wipo.int
2) CHOOSE YOUR LANGUAGE
3) DISTANCE LEARNING PRE-REGISTRATION
4) FILL IN THE REGISTRATION FORM
5) AWAIT CONFIRMATION OF ACCEPTANCE FROM THE ACADEMY COURSE ADMINISTRATION

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